

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

- v. -

JOSEPH PERCOCO, a/k/a “Herb,”  
ALAIN KALOYEROS, a/k/a “Dr. K.,”  
PETER GALBRAITH KELLY, JR., a/k/a “Braith,”  
STEVEN AIELLO,  
JOSEPH GERARDI,  
LOUIS CIMINELLI,  
MICHAEL LAIPPLE, and  
KEVIN SCHULER,

Defendants.

No. S1 16 Cr. 776 (VEC)

**Oral Argument Requested**

**DEFENDANT PETER GALBRAITH KELLY, JR.’S  
NOTICE OF MOTION TO DISMISS**

PLEASE TAKE NOTICE that, upon the accompanying Memorandum of Law in Support of Defendant Peter Galbraith Kelly, Jr.’s Motion to Dismiss, defendant Peter Galbraith Kelly, Jr. hereby moves this Court, before the Honorable Judge Valerie E. Caproni, United States District Judge for the Southern District of New York, at the United States Courthouse, 40 Foley Square, New York, New York, for an Order dismissing Counts Nine and Thirteen of the Superseding Indictment as to Mr. Kelly pursuant to Rule 12(b)(3) of the Federal Rules of Criminal Procedure, and for such other relief as the Court deems appropriate.

PLEASE TAKE FURTHER NOTICE THAT, pursuant to the Court's May 15, 2017 Order, opposition papers shall be served upon the undersigned no later than June 30, 2017, and reply papers shall be served no later than July 21, 2017.

Dated: May 19, 2017  
New York, NY

Respectfully submitted,

LANGLER SIFFERT & WOHL LLP

By:



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*Attorneys for Defendant  
Peter Galbraith Kelly, Jr.*

TO: Clerk of the Court  
United States District Court  
Southern District of New York  
500 Pearl Street  
New York, New York 10007

Honorable Valerie E. Caproni  
United States District Judge  
Southern District of New York